

Joel Ban #10114  
Ban Law Office PC  
1399 S. 700 E. Ste. 3  
Salt Lake City, Utah 84105  
801-532-2447  
Attorney for UPHE

### FOR THE UTAH AIR QUALITY BOARD

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In Re: Approval Order – the Sevier :  
Power Company 270 MW Coal-Fired :  
Power Plant, Sevier County :  
Project Code: N2529-001 :  
DAQE-AN2529001-04 :

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In Re: Approval Order – PSD Major :  
Modification to Add New Unit 3 at : MOTION FOR PERMISSION TO  
Intermountain Power Generating : APPEAR AS AMICUS CURIAE  
Station, Millard County, Utah :  
Project Code: N0327-010 :  
DAQE-AN0327010-04 :

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### INTRODUCTION

The Utah Physicians for a Healthy Environment (UPHE) respectfully submits the following Motion for Permission to Appear as Amicus Curiae in the two above-captioned proceedings, and requests that the Presiding Officer permit UPHE to enter an appearance as amicus curiae in the two proceedings pursuant to Utah Admin. Code R307-103-6(5) and to file an amicus curiae brief related to each proceeding.

Although the Utah Air Quality Rules do not specify any criteria for when amicus status will be granted – the Utah Rules of Appellate Procedure (URAP 25) state that an

amicus status may be granted through leave of the Court: "A motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae or the guardian ad litem is desirable."

#### **Interest of Amicus Curiae**

The UPHE is an informal association of unpaid, volunteer physicians, and medical consultants with a unique expertise in the effects of environmental degradation on public health, with an emphasis on air quality related health impacts. As independent practitioners intimately aware of the breadth and scope of medical research on these issues and devoid of any pecuniary interest or other incentive to potentially compromise our objectivity UPHE has an important role to play in helping third parties such as the Air Quality Board understand the scientific basis for the medical and health consequences of air pollution that should dictate appropriate public policy.

#### **Desirability of a Brief of Amicus Curiae**

UPHE and over 50 of its associated physicians and medical professionals have reviewed many of the over 2,000 medical studies recognized by virtually every mainstream medical organization in the country relating to the health effects of various air borne pollutants. The results of these studies form the basis upon which United States Environmental Protection Agency's own scientific review committee (CASAC) has recommended that EPA lower national ambient air quality standards for criteria pollutants to levels below current standards.

The responsibility for the implementation of the National Ambient Air Quality Standards in Utah as established by EPA rests with the state of Utah through its' Air Quality Board whose job it is to address air pollution issues. Specifically, the Utah

Administrative Code R307-101-2 defines Air Pollution as the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is, or tends to be injurious to human health or welfare, animal or plant life, or property, or would reasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the air quality board (Sec 19-2-104).

The Utah Air Quality Board is in the process of reviewing at least two new requests for permits for coal fired power plants in the state. While the emissions of these facilities will likely increase the total volume of air pollutants in the state, some contend they will not adversely impact public health and may even meet existing criteria pollutant standards.

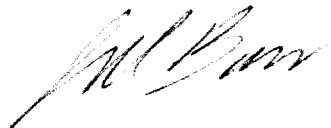
The members of UPHE, like EPA's CASAC believes that the most recent medical studies show that the existing ambient air standards currently in use by EPA and AQB are inadequate to protect human health and welfare as well as animal plant life and property and its reasonable enjoyment. Because of the discrepancy between safe levels of air pollution and the EPAs current standards, which the Utah Air Quality Board has used as their guidelines, UPHE formally requests the opportunity to serve as Amicus Curiae to the Air Quality Board for the review of these permits by providing the latest medical information regarding the health effects of air pollution at levels below the current ambient air standards.

We hereby formally request the right to present a brief of approximately 15 pages regarding safe levels of mercury, SO<sub>2</sub>, NO<sub>x</sub>, particulate matter and ozone that the public may be exposed to and how these two requested permits may affect those levels. UPHE

and the Utah AQB have already agreed to an ongoing relationship reviewing air quality standards such that the amicus status requested would be an appropriate extension of that relationship.

UPHE will file and serve the brief on the same day that the parties' pre-hearing briefs are due.

Respectfully Submitted this 24<sup>th</sup> day of August, 2007

A handwritten signature in black ink, appearing to read "Joel Ban", written over a horizontal line.

Joel Ban  
Attorney for UPHE

### CERTIFICATE OF SERVICE

I hereby certify that on this 24<sup>th</sup> day of August 2007, I caused a copy of the foregoing Motion for Permission to Appear as Amicus Curiae to be served on the following:

Fred G. Nelson  
Counsel, Utah Air Quality Board  
160 East 300 South, 5<sup>th</sup> Floor  
Salt Lake City, Utah 84114  
[fnelson@utah.gov](mailto:fnelson@utah.gov)

Christian Stephens  
Paul McConkie  
Assistant Attorneys General  
150 North 1950 West  
Salt Lake City, Utah 84114  
[cstephens@utah.gov](mailto:cstephens@utah.gov)  
[pmcconkie@utah.gov](mailto:pmcconkie@utah.gov)

Fred Finlinson  
11955 Lehi-Fairfield Road  
Saratoga Springs, Utah 84043  
[f2fwcrf@msn.com](mailto:f2fwcrf@msn.com)

Michael Keller  
Matthew McNulty  
VanCott Bagley  
50 South Main, Suite 1600  
Salt Lake City, Utah 84114  
[mkeller@vancott.com](mailto:mkeller@vancott.com)  
[mmcnulty@vancott.com](mailto:mmcnulty@vancott.com)  
Martin Banks  
Stoel Rives  
201 West Main, Suite 1100  
Salt Lake City, Utah  
[mkbanks@stoel.com](mailto:mkbanks@stoel.com)

Michael Jenkins  
PacifiCorp  
201 South Main, Suite 2200  
Salt Lake City, Utah  
[michael.jenkins@pacificorp.com](mailto:michael.jenkins@pacificorp.com)

Brian Burnett  
Callister Nebeker  
10 West South Temple, Suite 900  
Salt Lake City, Utah 84133  
[brianburnett@cnmlaw.com](mailto:brianburnett@cnmlaw.com)

David Becker  
Joro Walker  
Western Resource Advocates  
425 East 100 South  
Salt Lake City, Utah 84111  
[dbecker@westernresources.org](mailto:dbecker@westernresources.org)  
[jwalker@westernresources.org](mailto:jwalker@westernresources.org)

James O. Kennon, pro se  
Dick Cumiskey, pro se  
Representing themselves and the  
Members of Save Our Air & Resource  
146 North Main Street, Suite 27  
P.O. Box 182  
Richfield, Utah 84701  
[sccaw@yahoo.com](mailto:sccaw@yahoo.com)

/s/Joel Ban  
[Joel Ban]  
Attorney for UPHE